

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

David Weinlick, Minneapolis
DFL Party,

Complainant,
vs.

Natalie Johnson Lee Campaign,

Respondent.

NOTICE OF DETERMINATION OF
PRIMA FACIE VIOLATION
AND
NOTICE OF AND ORDER FOR
PROBABLE CAUSE HEARING

TO: Gregory A. Abbott, Attorney at Law, 4601 Excelsior Blvd, Suite 407, Minneapolis, MN 55416; and Natalie Johnson Lee Campaign, c/o Kimberly Spates, 1700 Oliver Avenue North, Minneapolis, MN 55411.

On November 2, 2005, the Minneapolis DFL Party filed a complaint with the Office of Administrative Hearings alleging the Respondent violated Minn. Stat. § 211B.15 by accepting contributions from three corporations. After reviewing the Complaint and attached documents, the undersigned Administrative Law Judge has determined that the Complaint sets forth a prima facie violation of § 211B.15.

THEREFORE, IT IS HEREBY ORDERED AND NOTICE IS HEREBY GIVEN that this matter is scheduled for a probable cause hearing to be held by telephone before the undersigned Administrative Law Judge at **2:00 p.m. on Monday, November 7, 2005**. The hearing will be held by call-in telephone conference. You must call: 651-284-3547 at that time. Follow the directions and enter the code **"6948"** when asked for the meeting number. The probable cause hearing will be conducted pursuant to Minn. Stat. § 211B.34. Information about the probable cause proceedings and copies of state statutes may be found online at www.oah.state.mn.us and www.revisor.leg.state.mn.us.

At the probable cause hearing all parties have the right to be represented by legal counsel, by themselves, or by a person of their choice if not otherwise prohibited as the unauthorized practice of law. In addition, the parties have the right to submit evidence, affidavits, documentation and argument for consideration by the Administrative Law Judge. Parties should provide to the Administrative Law Judge all evidence bearing on the case, with copies to the opposing party, before the telephone conference takes place. Documents may be faxed to Judge Sheehy at 612-349-2665.

At the conclusion of the probable cause hearing, the Administrative Law Judge will either: (1) dismiss the complaint based on a determination that the

complaint is frivolous, or that there is no probable cause to believe that the violation of law alleged in the complaint has occurred; or (2) determine that there is probable cause to believe that the violation of law alleged in the complaint has occurred and refer the case to the Chief Administrative Law Judge for the scheduling of an evidentiary hearing. Evidentiary hearings are conducted pursuant to Minn. Stat. § 211B.35. If the Administrative Law Judge dismisses the complaint, the complainant has the right to seek reconsideration of the decision on the record by the Chief Administrative Law Judge pursuant to Minn. Stat. § 211B.34, subd. 3.

Any party who needs an accommodation for a disability in order to participate in this hearing process may request one. Examples of reasonable accommodations include wheelchair accessibility, an interpreter, or Braille or large-print materials. If any party requires an interpreter, the Administrative Law Judge must be promptly notified. To arrange an accommodation, contact the Office of Administrative Hearings at 100 Washington Avenue South, Suite 1700, Minneapolis, MN 55401, or call 612/341-7610 (voice) or 612/341-7346 (TTY).

Dated: November 3, 2005

s/Kathleen D. Sheehy
KATHLEEN D. SHEEHY
Administrative Law Judge

MEMORANDUM

Natalie Johnson Lee is a candidate for the Minneapolis City Council in the Fifth Ward. The Minneapolis DFL Party has filed a complaint alleging that the Natalie Johnson Lee Campaign ("Respondent") received contributions from three corporations, in violation of Minn. Stat. § 211B.15, subd. 2, as follows:

- May 26, 2005 – Yendor Corp, d/b/a Augies, 424 Hennepin Avenue South, Minneapolis, MN 55401, in the amount of \$300
- May 26, 2005 – Farmers Market Annex of Minneapolis, LLC, 200 East Lyndale Avenue North, Minneapolis, MN 55411, in the amount of \$200
- June 8, 2005 – On Track for Life, Inc., 1190 – 102nd Street East, Inver Grove Heights, MN 55077, in the amount of \$100

The Complainant attached a copy of the Johnson Lee Campaign Finance Report, signed by Treasurer Kimberly Spates and dated September 12, 2005, which lists the three contributions above.

Minn. Stat. § 211B.15, subd. 2 provides as follows:

Prohibited contributions. A corporation may not make a contribution or offer or agree to make a contribution, directly or indirectly, of any money, property, free service of its officers, employees, or members, or thing of monetary value to a major

political party, organization, committee, or individual to promote or defeat the candidacy of an individual for nomination, election, or appointment to a political office. For the purpose of this subdivision, "contribution" includes an expenditure to promote or defeat the election or nomination of a candidate to a political office that is made with the authorization or expressed or implied consent of, or in cooperation or in concert with, or at the request or suggestion of, a candidate or committee established to support or oppose a candidate.

Minn. Stat. § 211B.15, subd. 1, defines "corporation" for the purposes of the Fair Campaign Practices Act as (1) a corporation organized for profit that does business in this state; (2) a nonprofit corporation that carries out activities in this state; or (3) a limited liability company that does business in this state. The information provided on Natalie Johnson Lee's finance report about the three entities is sufficient to conclude that complaint alleges a prima facie violation of Minn. Stat. § 211B.15, subd. 2. This matter will proceed to a probable cause hearing.

K.D.S.